

REMARKS

Claims 1-9 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 3-7 and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Weber et al. (U.S. Pat. No. 5,666,710). This rejection is respectfully traversed.

In rejecting the claims, the Office Action states that the Weber reference discloses a blind rivet setting system having a piezo-electric thin film measuring device mounted on the front end so as to be disposed and compressed between the front end mounted face and a fastener during the setting operation. Applicant respectfully traverses this characterization.

The Examiner's attention is directed to Figure 1 of Weber which shows that the thin film load measuring devices are located at a medial location within the rivet setting gun. This is opposed to the "front end face" as disclosed and claimed in the instant application. With regard to the rejection of Claim 3, Applicant notes that Claim 3 is dependent on allowable Claim 2 and, as such, should be in condition for allowance. Furthermore, in rejecting Claim 3, the Office Action states that the Weber reference shows a bending element (40) which is securely mounted to the front end face. Applicant respectfully traverses this characterization in as much as element (40) of the Weber reference is a shaft coupled to the actuatable piston.

As the Weber reference has been distinguished, Applicant respectfully submits that independent Claims 1 and 7 and their dependents are in condition for allowance.

ALLOWABLE SUBJECT MATTER

The Examiner states that Claims 2 and 8 would be allowable if rewritten in independent form. Accordingly, Applicant has amended Claims 2 and 8 to include the limitations of the base claim and any intervening claims. Therefore, Claims 2 and 8 should now be in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: May 17-2005
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

By: 
Christopher A. Eusebi, Reg. No. 44,672

CAE/lf-s